

Neel Chatterjee (SBN 173985)  
*nchatterjee@goodwinlaw.com*

**GOODWIN PROCTER LLP**  
135 Commonwealth Drive  
Menlo Park, California 94025  
Tel.: +1 650 752 3100  
Fax.: +1 650 853 1038

Brett Schuman (SBN 189247)  
*bschuman@goodwinlaw.com*

Shane Brun (SBN 179079)  
*sbrun@goodwinlaw.com*

Rachel M. Walsh (SBN 250568)  
*rwalsh@goodwinlaw.com*

Hayes P. Hyde (SBN 308031)  
*hhyde@goodwinlaw.com*

**GOODWIN PROCTER LLP**  
Three Embarcadero Center  
San Francisco, California 94111  
Tel.: +1 415 733 6000  
Fax.: +1 415 677 9041

Hong-An Vu (SBN 266268)  
*hvu@goodwinlaw.com*

**GOODWIN PROCTER LLP**  
601 S Figueroa Street, 41st Floor  
Los Angeles, California 90017  
Tel.: +1 213 426 2500  
Fax.: +1 213 623 1673

Attorneys for Defendant  
Otto Trucking LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto  
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF HAYES P. HYDE IN  
SUPPORT OF DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL ITS  
ADMINISTRATIVE MOTION TO  
SUPPLEMENT ITS MOTION TO  
EXCLUDE THE TESTIMONY OF  
MICHAEL WAGNER [DKT. 1786]**

Courtroom: 8  
Judge: Hon. William Alsup  
Trial: October 10, 2017

Filed/Lodged Concurrently with:  
1. Under Seal Exhibit  
2. Proof of Service

ACTIVE/92829758.1

**HYDE DECLARATION ISO WAYMO'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

**CASE No. 3:17-CV-00939-WHA**

I, Hayes P. Hyde, declare as follows:

1. I am an attorney at the law firm of Goodwin Procter, LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendants Uber Technologies, Inc., and Ottomotto LLC's Administrative Motion to File Under Seal Its Administrative Motion to Supplement Its Motion to Exclude the Testimony of Michael Wagner ("Motion") and Exhibits 1, 2, and 3 attached thereto [Dkt. No. 1786].

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

| Document                             | Portions to Be Filed Under Seal |
|--------------------------------------|---------------------------------|
| Exhibit 1 to the Josephs Declaration | Otto Trucking: 126:7-142:10     |
| Exhibit 2 to the Josephs Declaration | Entirety                        |
| Exhibit 3 to the Josephs Declaration | Entirety                        |

3. The above-referenced portions of Exhibit 1 include highly confidential, sensitive business information relating to negotiations of the terms of Otto Trucking's agreements, its corporate structure, and sensitive financial and business information. This information is not publicly known, and its confidentiality is strictly maintained. I understand that this information could be used by competitors to Otto Trucking's detriment, including in the context of negotiating business deals. If such information were made public, I understand Otto Trucking's competitive standing could be significantly harmed.

4. The entirety of Exhibits 2 and 3 include highly confidential, sensitive business

1 information relating to negotiations of the terms of Otto Trucking's agreements, its corporate  
2 structure, and sensitive financial and business information. This information is not publicly  
3 known, and its confidentiality is strictly maintained. I understand that this information could be  
4 used by competitors to Otto Trucking's detriment, including in the context of negotiating business  
5 deals. If such information were made public, I understand Otto Trucking's competitive standing  
6 could be significantly harmed.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is  
8 true and correct. Executed this 29th day of September, 2017 in San Francisco, California.

9  
10 /s/ Hayes P. Hyde  
Hayes P. Hyde  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on September 29, 2017. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 29th day of September 2017.

/s/ Hayes P. Hyde  
Hayes P. Hyde